

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff

v.

LAMALSIKOU LOWE (aka Lanalsikov Lowe),

Defendant

2:14-cr-0004-JAD-VCF

Order Denying Motion

[ECF No. 282]

Lamalsikou Lowe is serving an 87-month sentence for possession of cocaine with intent to distribute it and being a felon in possession of a gun.¹ Though represented by counsel, and despite the fact that his case is on appeal, Mr. Lowe has filed a pro se motion asking for an evidentiary hearing.²

The Local Rules of this court state that “[a] party who has appeared by attorney cannot while so represented appear or act in the case,”³ so criminal defendants who have attorneys representing them are not permitted to file motions on their own behalf. Because Mr. Lowe is represented by counsel, **IT IS HEREBY ORDERED that his motion [ECF No. 282] dated April 10, 2016 (and filed April 12, 2016) is DENIED** without prejudice to its refiling should counsel deem it appropriate. Mr. Lowe should consult with his attorney, who will make the decision whether the motion should—or even can—be filed at this time considering that (1) the court has already denied Mr. Lowe’s motion for a new trial based on similar arguments and (2) this court may lack jurisdiction to even consider the merits of this motion because this case is on appeal to the Ninth Circuit.

Dated this 29th day of April, 2016


Jennifer A. Dorsey
United States District Judge

¹ ECF No. 271.

² ECF No. 282.

³ L.R. IA 10-6(a).